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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,427	09/27/2001	Takashi Fukuda	214326US3	8825

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ALEXANDRIA, VA 22314

EXAMINER

JAIN, RUBY

ART UNIT PAPER NUMBER

3737

DATE MAILED: 01/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/963,427

Applicant(s)

FUKUDA, TAKASHI

Examiner

Ruby Jain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 2000-303717, filed on October 3, 2000.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Haber et al. U.S. Patent No. 5,298,023.

Regarding claim 1, Haber discloses an injection device comprising piston holders holding cylinder pistons ((46) and (48) of Figure 6), and plural system of head having a drive mechanism for moving the piston holders (column 1, lines 50-61), and a backward-moving prohibition mechanism (column 3, lines 7-19).

Regarding claim 4, Haber discloses wherein the backward-moving prohibition mechanism is a ratchet drive mechanism (column 3, lines 7-19).

Regarding claim 5, Haber discloses wherein the injection device is a double head type which holds two syringes (Figure 6).

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, and 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haber as applied to claim 1 above, and further in view of Cornacchia et al. U.S. Patent No. 5,472,403.

3. Regarding claims 2 and 3, Haber discloses an injection device comprising piston holders holding cylinder pistons ((46) and (48) of Figure 6), and plural system of head having a threaded-drive mechanism for moving the piston holders (column 1, lines 50-61) and converting the rotation to a linear movement (column 3, lines 7-19), and a backward-moving prohibition mechanism (column 3, lines 7-19). Haber does not disclose wherein the drive mechanism has a motor.

Cornacchia discloses wherein the drive mechanism has a motor (abstract).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to disclose wherein the drive mechanism has a motor, as per the teachings of Cornacchia into the teachings of Haber, because it would be obvious to replace the threaded-drive mechanism to a motorized one for time efficiency purposes. Whether the drive mechanism is threaded or motorized does not change the

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function of the drive system. Both mechanisms drive the pistons and syringes. The only difference is the motorized mechanism is faster.

4. Regarding claims 6 and 7, Haber discloses wherein the injection device is a double head type which holds two syringes (Figure 6). Haber does not disclose wherein the device holds a syringe for injecting a contrast medium and another syringe for injecting a physiological saline solution.

Cornacchia discloses disclose wherein an automatic injection device holds a syringe for injecting a contrast medium and another syringe for injecting a physiological saline solution (abstract).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to disclose wherein the device holds a syringe for injecting a contrast medium and another syringe for injecting a physiological saline solution, as per the teachings of Cornacchia into the teachings of Haber, because the syringes are capable of holding any solution. The device would work equally well regardless of what type of solution is filled in the syringes. The type of solutions filled in the device are decided based on what function is desired.

5. Regarding claims 8 and 9, Haber discloses wherein the injection device is a double head type which holds two syringes (Figure 6). Haber does not disclose wherein the tips of the two syringes are connected to a three-way branched tube.

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Cornacchia discloses wherein the tips of the two syringes are connected to a three-way branched tube (element 22 of Figure 1).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to disclose wherein the tips of the two syringes are connected to a three-way branched tube, as per the teachings of Cornacchia into the teachings of Haber, because adding the three-way branched tube to the tips of the syringes is just an accessory. It does not change the function of the device. It would have been an obvious matter of design choice to include a three-way branched tube, since it appears that the invention would perform equally well with or without the three-way branched tube.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruby Jain whose telephone number is (703) 605-4250. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Ruhl can be reached on (703) 308-2262. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7219.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0858.



DENNIS W. RUHL
SUPERVISORY PATENT EXAMINER

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RJ


January 11, 2004